

NOTICE OF EMERGENCY RULE REPEAL AND PROMULGATION

AGENCY: Department of Marine Resources

STATUTORY AUTHORITY: 12 M.R.S.A. Sections 6172 and 6192

RULE REPEAL AND PROMULGATION: DMR Regulation 95.03 W, Closed Area No. 17-B, Maquoit Bay, Brunswick and Freeport, promulgated on September 4, 2003, is repealed and replaced with the following rule:

TEXT OF RULE: DMR Regulation 95.03 W, Closed Area No. 17-B, Maquoit Bay, Brunswick and Freeport

- 1) Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of Maquoit Bay, Brunswick, north of a line drawn east to west across the mouth of Bunganuc Creek from a red painted post on the east shore, approximately 2700 feet west of Bunganuc Point to a red painted post on the west shore of the creek.
- 2) Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of Maquoit Bay, Brunswick, from September 1 through April 14, north of a line beginning at Goose Point, Freeport; then running northeast to Bunganuc Rock; then running east to a point of land known as the old Webb boatyard area, approximately 5000 feet south of Pulsifer Point on Merepoint Neck; AND south of a line drawn east to west across the mouth of Bunganuc Creek from a red painted post on the east shore, approximately 2700 feet west of Bunganuc Point to a red painted post on the west shore of the creek.

Violation of any provision of this regulation shall be a Class D Crime (12 M.R.S.A. Section 6204).

EFFECTIVE DATE: February 3, 2004

AGENCY CONTACT PERSON: Amy M. Fitzpatrick
Department of Marine Resources
194 McKown Pt Rd
W. Boothbay Harbor, ME 04575

TIMES RECORD
February 6, 2004

STATEMENT OF FACT AND POLICY

The Commissioner of the Maine Department of Marine Resources repeals the emergency DMR Regulation 95.03 W, Closed Area No. 17-B, Maquoit Bay, Brunswick and Freeport, promulgated September 4, 2003, and replaces it with a new rule. This new rule changes Maquoit Bay to a seasonal conditional area that is open from April 15 through August 31 for shellfish harvesting. The head of Maquoit Bay will now be included in the seasonal conditional area. Bunganuc Landing will remain classified prohibited.

Department personnel have determined that the closed area are subject to microbiological pollution and will remain closed to protect public health.


LEWIS FLAGG
DEPUTY COMMISSIONER (EXTERNAL AFFAIRS)



Maine Department of Marine Resources

Legal Notice of Shellfish Closure Area

C17B Maquoit Bay

2/3/04



2004 Shellfish Classifications

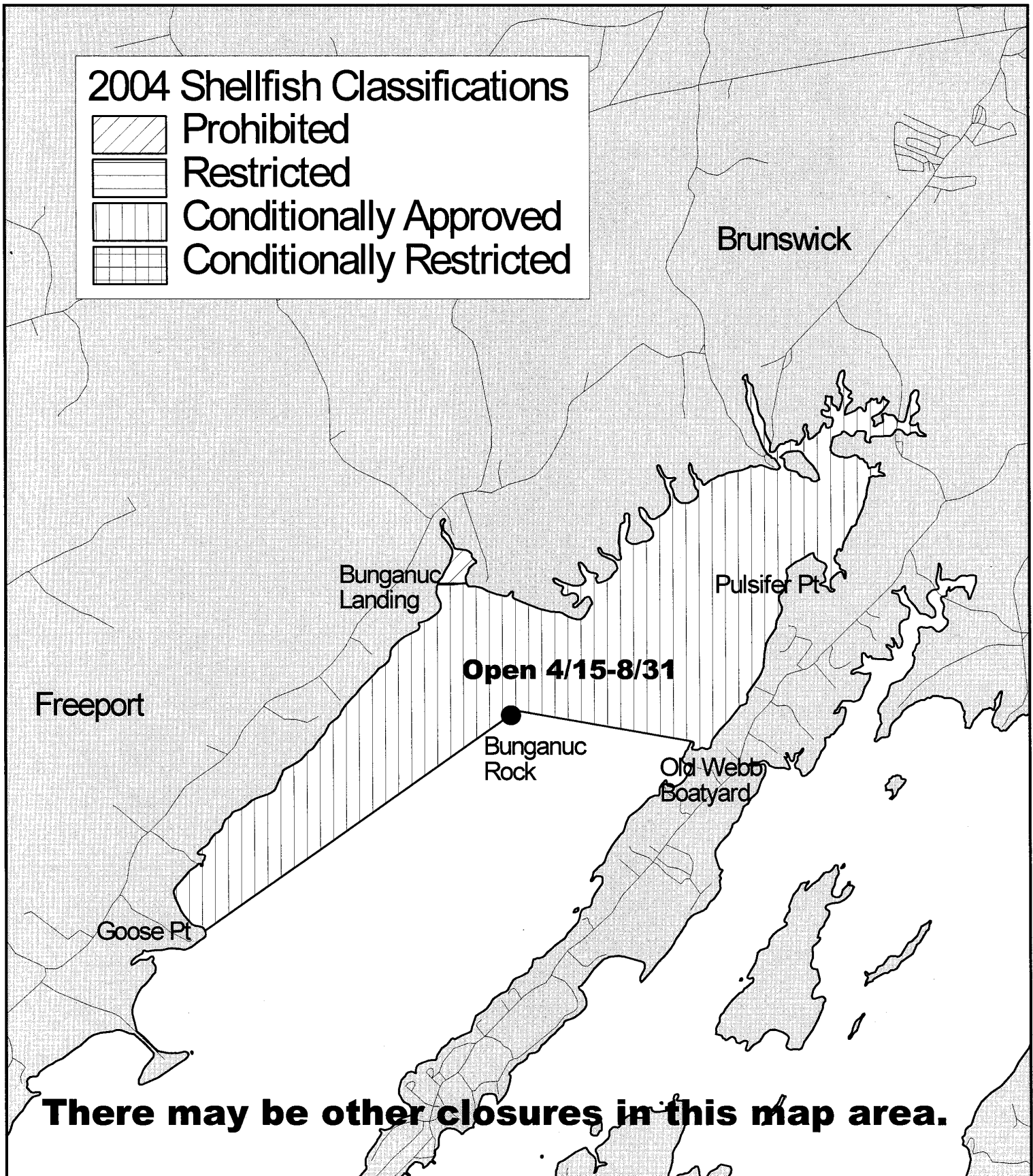


Prohibited

Restricted

Conditionally Approved

Conditionally Restricted



0.6 0 0.6 1.2 Miles